

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

12 CIV 5335

FILED  
U.S. DISTRICT COURT  
12 JUL 10 PM 3:50  
S.D. OF N.Y.

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Yenon Argy,

Plaintiff,

Civil Action No.: \_\_\_\_\_

-against-

Diversified Consultants, Inc.,

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

Defendant.  
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Plaintiff Yenon Argy ("Plaintiff" or "Argy"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Diversified Consultants, Inc. ("Defendant" or "DCI"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 27 Lime Kiln Road, Suffern, New York 10901.

3. Upon information and belief, the Defendant is a Florida corporation with a principal place of business at 10550 Deerwood Park Blvd., Suite 309, Jacksonville, Florida 32256, and is authorized to do business in the State of New York.

4. The Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt relating to a certain individual named Rosa Alvarez, who is not the Plaintiff (“Alleged Debt”).

9. Since on or about January 1, 2012, the Defendant placed approximately eighty-five (85) automatically-dialed telephone calls to the Plaintiff, and left messages for Rosa Alvarez on the Plaintiff’s answering machine.

10. Plaintiff does not know Rosa Alvarez.

11. Plaintiff requested that the Defendant stop calling him.

12. Defendant kept calling the Plaintiff despite the Plaintiff's request not to call, in violation of the FDCPA, 15 U.S.C. Sec. 1692b(3), 15 U.S.C. Sec. 1692c(c) and 15 U.S.C. Sec. 1692d(5).

13. As a result of the Defendant's violative debt collection practices, the Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "13" herein with the same force and effect as if the same were set forth at length herein.

15. Defendant's debt collection actions against the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec. 1692b(3), 15 U.S.C. Sec. 1692c(c) and 15 U.S.C. Sec. 1692d(5), as follows:

16. Defendant violated 15 U.S.C. Sec.1692b(3), which prohibits contacting a third party more than once.

17. Defendant violated 15 U.S.C. Sec. 1692c(c) which mandates that a debt collector cease communication after a consumer's request to do so.

18. Defendant violated 15 U.S.C. Sec.1692d(5) by causing the telephone of the Plaintiff to constantly ring, and by engaging the Plaintiff in repeated telephone conversations.

19. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

20. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff Yenon Argy demands judgment against the Defendant Diversified Consultants, Inc., as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
July 10, 2012

Respectfully submitted,

By: 

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